

PART IV – REPRESENTATIONS AND INSTRUCTIONS

SECTION M

EVALUATION FACTORS FOR AWARD

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EVALUATION FACTORS FOR AWARD**M.1 EVALUATION OF PROPOSALS**

- (a) This acquisition will be conducted pursuant to the policies and procedures in Federal Acquisition Regulation (FAR) Part 15 and Department of Energy Acquisition Regulation (DEAR) Part 915. DOE has established a Source Evaluation Board (SEB) to evaluate the proposals submitted for this acquisition. Proposals will be evaluated by the SEB members in accordance with the procedures contained in FAR Part 15, DEAR Part 915, and the Evaluation Factors hereinafter described.
- (b) The instructions set forth in Section L are designed to provide guidance to the Offeror concerning the documentation that will be evaluated by the Source Evaluation Board. The Offeror must furnish adequate and specific information in its response. A proposal will be eliminated from further consideration before the initial ratings if the proposal is so grossly and obviously deficient as to be totally unacceptable on its face. For example, a proposal will be deemed unacceptable if it does not represent a reasonable initial effort to address itself to the essential requirements of the RFP, or if it clearly demonstrates that the Offeror does not understand the requirements of the RFP. In the event that a proposal is rejected, a notice will be sent to the Offeror stating the reason(s) that the proposal will not be considered for further evaluation under this solicitation.
- (c) Any exceptions or deviations to the terms of the model contract (See Section L.17) will make the offer unacceptable for award without discussions. If an Offeror proposes exceptions to the terms and conditions of the contract, the Government may make an award without discussions to another Offeror that did not take exception to the terms and conditions of the contract.
- (d) Prior to an award, a finding shall be made by the Source Selection Official whether any possible Organizational Conflict of Interest (OCI) exists with respect to the apparent successful Offeror or whether there is little or no likelihood that such conflict exists. In making this determination, DOE will consider the representation required by Section K of this solicitation. An award will be made if there is no OCI or if any OCI can be appropriately avoided or mitigated.
- (e) Federal ~~Law~~law prohibits the award of a contract under a national security program to a company owned by an entity controlled by a foreign government unless a waiver is granted by the Secretary of Energy. In making this determination, the government will rely on the certification required by Section K, ~~CertificateContract Pertaining to Foreign Interests~~Clause DEAR 952.204-73, entitled, "Facility Clearance (Deviation)."

- (f) ~~For purposes of evaluating past performance, DOE will solicit pertinent information from the parties identified by Offerors in response to Section L.4(e)(2). DOE will also obtain relevant~~ DOE may solicit past performance information from available sources, including references and clients identified by the Offeror, and will consider such information in its evaluation. DOE may obtain relevant past performance information from available Federal Government electronic databases ~~or readily of Past Performance~~ available government records including pertinent DOE prime contracts. DOE will review all information ~~on relevant DOE prime submitted, may contact some or all of the contract references provided by the Offeror, and may contact references other than those identified by the Offeror.~~
- ~~contracts.~~
- (g) A Performance Guarantee Agreement in accordance with the requirements of Section ~~L.33~~ L.32 of this solicitation will be a condition of the award of this contract.
- (h) The Government intends to evaluate proposals and award a contract without discussions with Offerors (except clarifications as described in FAR 15.306(a)). Therefore, the Offeror's initial proposal should contain the Offeror's best terms from a cost or price and technical standpoint. The Government reserves the right to conduct discussions if the Contracting Officer later determines them to be necessary.
- (i) Upon receipt of proposals, an evaluation will be conducted of the Offeror's responses to the qualification factor set forth in Section M.6 below. Proposals that fail to meet the qualification factor will receive no further consideration.

M.2 BASIS FOR CONTRACT AWARD

The government intends to award one contract to the responsible Offeror whose proposal is responsive to the solicitation and is determined to be the best value to the Government. Selection of the best value to the government will be achieved through a process of evaluating the strengths and weaknesses of each Offeror's proposal in accordance with the evaluation factors stated in the solicitation. In determining the best value to the government, the Management, Integration, and Technical Evaluation Factors are significantly more important than the ~~cost evaluation~~ evaluated cost. The Government is more concerned with obtaining a superior management, integration, and technical proposal than making an award at the lowest evaluated cost. However, the Government will not make an award at a price premium it considers disproportionate to the benefits associated with the evaluated superiority of one Management, Integration, and Technical proposal over another. Thus, to the extent that Offerors' Management, Integration, and Technical proposals are evaluated as close or similar in merit, the cost factor is more likely to be a determining factor.

M.3 OVERALL RELATIVE IMPORTANCE OF EVALUATION FACTORS

(a) Management, Integration, and Technical Evaluation Factors

The Evaluation Factors in M.4 will be point scored as described below:

Evaluation Factors		Weights*
<u>Evaluation Factors</u>		<u>Weights</u>
(a)	Management and Integration	350
	(a1) Management and Integration Approach	200
	(a2) ES&H Program	100
	(a3) Business Management Approach	50
(b)	Technical Approach	350
	(b1) Technical Approach	200
	(b2) Quality Assurance	150
(e)	Key Personnel Interviews and Resumes	150
<u>(c)</u>	<u>Key Personnel Interviews and Resumés</u>	<u>150</u>
	(c1) Interviews with Key Personnel	100
	(e2) Key Personnel Resumes	50
	<u>(c2) Key Personnel Resumés</u>	<u>50</u>
(d)	Transition Plan	100
(e)	Experience and Past Performance	50
	Total	1000
	<u>TOTAL</u>	<u>1000</u>

(b) Cost Evaluation Factors~~s~~

The Cost Evaluation Factors~~s~~ in M.5 will not be point scored and are significantly less important than the Management, Integration and Technical Evaluation Factors~~s~~.

M.4 MANAGEMENT, INTEGRATION, AND TECHNICAL EVALUATION FACTORS~~S~~

The proposal will be evaluated against the following factors.

DOE will evaluate the Offeror's proposal to assess its understanding of and capability to successfully and in a cost-effective manner accomplish the requirements of the Statement of Work in a Nuclear Regulatory Commission (NRC) licensing environment, with special

emphasis on accomplishing the following Program Milestones:

- Secretarial Decision Whether to Recommend Site to ~~President~~ President ~~..... July~~ July 2001
- DOE Submits License Application to NRC ~~..... March~~ March 2002
- ~~NRC~~ NRC ~~..... March~~ March License Application Passes NRC Acceptance Review ~~..... June~~ June 2002
- Receive NRC Construction ~~Authorization~~ Authorization ~~..... March~~ March 2005
- Update License Application to NRC ~~..... April~~ April 2008
- Acquire License to Receive and Possess ~~Waste~~ Waste ~~..... March~~ March 2010

The ~~contractor~~ Contractor shall provide the technical products and support necessary for successful milestone completion. Because the Waste Acceptance and National Transportation Functions ~~functions~~ in the Statement of Work described in Sections C2.18.0 and C2.19.0 respectively may not necessarily be required under this contract, the proposal will not be evaluated on how those functions would be accomplished. However, as described in Section C2.4.0 of the Statement of Work, Program Integration ~~Functions, functions~~, the Offeror ~~will~~ shall be required to integrate the Waste Acceptance and National Transportation ~~Functions if they are provided by other prime contractor(s), functions~~ and the Offeror's proposal will be evaluated on the ability to provide this integration function. ~~The proposal will be evaluated against the following factors.~~

(a) Management and Integration (350/1000)

DOE will evaluate each Offeror's management and integration approach and the bases for that approach to accomplish the requirements of the Statement of Work based on:

- (1) The ability to provide an integrated management approach (e.g., the Offeror's teaming arrangement, hierarchy of functions and key positions, subcontracting approach and structure, management practices to enhance operational ~~efficiency, efficiency~~; and commitment to performance-based incentives including suggested areas for additional performance-based incentives) while being flexible enough to accommodate planned and unexpected changes over the term of this contract, and the quality of its approach to promoting diversity and the extent to which its management team and key personnel are consistent ~~contract~~ with that approach (200/350).
- (2) The ability to provide an integrated Environment, Safety and Health program (e.g., environmental operations, environmental compliance, and

safety and health) to provide protection of the workers, the public and the environment (100/350).

- (3) The ability to provide integrated business management and support functions (e.g., procurement, budget, training, human resources, legal, information resources, labor relations, management controls, safeguards and security, property, transportation, public affairs, external communications, internal audit, and financial and accounting ~~services~~) ~~and the ability to achieve the Offeror's Small Disadvantaged Business targets (extent of participation)~~ services), and its approach to achieve small, small disadvantaged, historically under utilized business zone (HUBZone), and women-owned small business goals and small disadvantaged business program participation targets (50/350).

(b) Technical Approach (350/1000)

DOE will evaluate each Offeror's technical approach and the bases for the approach to accomplish the requirements of the Statement of Work based on:

- (1) The ability to identify the risks and opportunities in implementing the technical approach; the ability to demonstrate reasonable assurance for the protection of the health and safety of the public; and the ability to mitigate and/or take advantage of the risks and opportunities (200/350);
- (2) The ability to provide the Quality Assurance functions, as described in the Statement of Work; the ability to provide a graded Quality Assurance approach to comply with the requirements of the OCRWM Quality Assurance Requirements and Description document; and the ability to establish and maintain a nuclear regulatory culture (150/350).

(c) Key Personnel Interviews and ~~Resumes~~Resumés (150/1000) |

DOE will evaluate each Offeror's key personnel and the rationales for the key personnel to accomplish the requirements of the Statement of Work based on:

- (1) Interviews with key personnel that will focus on their understanding of and abilities to integrate and accomplish the requirements of the Statement of Work, with particular emphasis on their approach for management and integration, their technical approach, and the Transition Plan (100/150).
- (2) ~~Resumes~~Resumés of key personnel that describe the education and training, accomplishments, and experience of the key personnel with emphasis on experience with relevant projects (50/150);

(d) Transition Plan (100/1000)

DOE will evaluate each Offeror's transition plan approach and the rationale for that approach on its ability to provide a smooth and orderly transition (e.g., ~~planned interaction with incumbent contractor team and DOE~~, identification of key issues and milestones, management of staffing, and proposal for resolving transition barriers) to facilitate accomplishing the requirements of the Statement of Work and major near term activities.

(e) Experience and Past Performance (50/1000)

DOE will evaluate each Offeror for its experience in accomplishing efforts relevant to those described in the Statement of Work, including quality assurance, test, design, licensing, and ES&H activities. In evaluating the Offeror's written proposal, DOE will consider: execution of work relevant to the Statement of

Work in type, duration, scope, complexity, dollar value, and risk; noteworthy management initiatives leading toward operational excellence, especially related to ES&H; managing regulatory compliance programs and regulatory interfaces; experience in dealing with unique technical challenges and technology issues; and recognized accomplishments, awards, professional licenses, and certifications.

DOE will evaluate the Offeror's past performance in managing and integrating work efforts relevant to the Statement of Work.

For purposes of the experience and past performance evaluation, DOE will evaluate the experience and past performance of the Offeror. In the case of a newly formed joint venture, limited liability company, limited liability partnership, or other entity formed for the purpose of competing for this contract, DOE will evaluate the experience and performance of the entities that comprise the newly-formed entity.

M.5 COST EVALUATION FACTORS

The cost proposal will not be point scored, but will be used in determining the best value to the Government in accordance with M.2 of this solicitation. DOE will perform a technical evaluation of the cost ~~proposal to determine that all items proposed have been included in the cost proposal, and the cost~~ for the transition period and the cost of Key Personnel will be reviewed for cost reasonableness and realism. An unrealistic cost proposal may be evidence of the Offeror's lack ~~of, or poor~~ of an understanding ~~of, the Management, Integration, and Technical factor of risks and issues associated with the transition.~~ Based on its review, DOE will determine a most probable cost to use as the evaluated cost for Transition and Key Personnel. The amount that will be used as the evaluated cost or price for purposes of the best value determination will be the sum of the evaluated cost for the transition period, and the evaluated cost of Key Personnel for the first twenty-four months of the contract performance after the transition period.

M.6 QUALIFICATION FACTOR

DOE will determine the acceptability of each offer on a pass or fail basis. DOE will consider an offer to be acceptable when it manifests the Offeror's assent, without exception, to the qualification factor below. Offerors must meet the following qualification factor of this section in order to be evaluated against the evaluation factors in Section M.4

———Qualification Factor:

Utilities that are in litigation with the Department ~~under~~ over matters relating to the Standard Contract are not eligible to compete as a prime ~~contractor~~ Contractor under this

RFP. Although such a utility would not be eligible to compete as a prime ~~contractor~~, Contractor, it is possible that a utility in litigation with DOE could still be a member of a team. However, the proposal should address how the team intends to mitigate any Organizational Conflicts of Interest problems to ensure, among other things, that information obtained in performing the contract would not be used for any other purposes, such as in the Standard Contract litigation. Such mitigation could include the creation of a separate corporate entity to perform the contract or a comparable mechanism to insure separation between the group or segment involved in contract performance and the rest of the utility. In any event, OCI issues would be addressed on a case-by-case basis, taking into account the conflict involved and whether or not the proposed mitigation plan adequately addresses the potential problems posed by the conflict.

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